

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 2, 2014
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:07 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda as revised to add Item V.A., Recognition of Finance Director John Wallin, and to move Item VII., Community Comment, in advance of Item VI., Public Hearings.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Sprague, approving the consent agenda.

IV.A. Approve regular, closed, and work session meeting minutes of August 19, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated August 21, 2014, and consisting of 33 pages; General Fund \$234,434.94; Police Special Revenue \$11,608.42; Pedestrian and Cyclist Safety \$21,520.00; Working Capital Fund \$644,380.20; Equipment Replacement Fund \$45,984.00; Art Center Fund \$668.70; Golf Dome Fund \$55.34; Aquatic Center Fund \$15,746.77; Golf Course Fund \$47,455.02; Ice Arena Fund \$12,980.43; Edinborough Park Fund \$2,824.16; Centennial Lakes Park Fund \$6,039.67; Liquor Fund \$172,198.47; Utility Fund \$365,674.75; Storm Sewer Fund \$188,479.02; Recycling Fund \$800.00; PSTF Agency Fund \$571.85; Centennial TIF District \$1,845.00; TOTAL \$1,773,266.74 and for receipt of payment of claims dated August 24, 2014, and consisting of 41 pages; General Fund \$278,666.02; Police Special Revenue \$7,986.05; Braemar Memorial Fund \$3,006.44; Pedestrian and Cyclist Safety \$80,919.11; Arts and Culture Fund \$219.45; Working Capital Fund \$257,291.11; Equipment Replacement Fund \$19,150.67; Art Center Fund \$12,148.79; Golf Dome Fund \$206.74; Aquatic Center Fund \$4,667.74; Golf Course Fund \$20,588.74; Ice Arena Fund \$10,374.42; Edinborough Park Fund \$6,003.98; Centennial Lakes Park Fund \$2,226.72; Liquor Fund \$181,636.89; Utility Fund \$379,060.24; Storm Sewer Fund \$85,535.95; PSTF Agency Fund \$6,067.90; TOTAL \$1,355,786.96 ; and, Credit Card Transactions dated June 27, 2014 – July 26, 2014; TOTAL \$38,950.08

IV.C. Set Date for Canvass of Municipal Election for November 7, 2014 at 5:00 p.m.

IV.D. Request for Purchase - Replace Triple Wave Slide at Adventure Peak, awarding the bid to the recommended bidder, On Call Services at \$26,300.00

IV.E. Request for Purchase - Renovation of Lower Level of Adventure Peak, awarding the bid to the recommended bidder, On Call Services at \$18,800.00

IV.F. Approve Authorization to Participate in 2015-2016 Fuel Consortium

IV.G. Adopt Resolution No. 2014-88, Approving Joint Powers Agreement with the City of Minneapolis Regarding Utility Services

IV.H. Adopt Resolution No. 2014-89, Authorizing Use of Facsimile Signatures by Public Officials

IV.I. Adopt Resolution No. 2014-90, Authorizing Investment Agreement

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IV.J. Request for Purchase – Security Cameras and Building Card Access for Braemar Athletic Complex, awarding the bid to recommended bidder, Pro-Tec Design at \$48,436.38

IV.K. Request for Purchase – Consulting Services for Park System Master Plan, awarding the bid to the recommended low bidder, Confluence Group at \$94,000.00

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. FINANCE DIRECTOR JOHN WALLIN – RECOGNIZED

Mayor Hovland recognized Finance Director John Wallin for his exemplary service noting Mr. Wallin was retiring on September 4, 2014 after 30 years of service. Mayor Hovland read in full the Resolution of Commendation for Mr. Wallin. **Member Bennett made a motion, seconded by Member Swenson, adopting the Resolution of Commendation for Finance Director John Wallin.** Mayor Hovland presented the resolution to Director Wallin while audience and staff gave him an ovation.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council thanked Mr. Wallin and offered him a standing ovation.

V.B. FRANCE AVENUE CORRIDOR IMPROVEMENT PROJECT – PRESENTED

Mike Fischer, representative of LHB, presented urban design elements for the France Avenue Corridor Improvement Project. The urban design incorporated elements of enhanced pedestrian crossings, landscaping, and lighting that focused on the intersections of 66th Street, 70th Street, 76th Street, and France Avenue. If supported, implementation strategies would be defined.

The Council questioned the timing for installment. Engineer Millner reported the project should be complete by the end of October.

VII. COMMUNITY COMMENT

No one appeared to comment.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. TEMPORARY INTOXICATING ON-SALE LIQUOR LICENSE, CHURCH OF ST. PATRICK, 6820 ST. PATRICK LANE, SEPTEMBER 27, 2014 – APPROVED

Police Chief Nelson presented the request of the Church of St. Patrick for a Temporary On-Sale Intoxicating Liquor License for its “Oktoberfest” event and recommendation for approval. It was noted that the Church of St. Patrick had hired the Edina Police Department to provide security for this event.

Mayor Hovland opened the public hearing at 7:26 p.m.

Public Testimony

No one appeared to comment.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Brindle, approving the Temporary Intoxicating On-Sale Liquor License for the Church of St. Patrick's, Oktoberfest on September 27, 2014, from 6:15 p.m. to 10:30 p.m.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. CONSIDER VACATION OF PUBLIC RIGHT-OF-WAY, PORTION OF WEST 41ST STREET – RESOLUTION NO. 2014-91 ADOPTED

Engineer Millner presented the request from the property owner of 4022 Monterey Avenue to vacate the northern 30 feet of right-of-way. If approved, the City would retain the southern 20 feet of the 41st Street right-of-way for existing and future utility alignments. It would also be available for potential future trail connections between Monterey Avenue and Natchez Avenue or the Susan B. Lindgren Elementary School. The property owner wanted the ability to maintain this area without having to worry about installation of City infrastructure.

The Council asked questions of staff. Engineer Millner stated 20 feet was adequate for a future pathway or trail because a cut-through or paved trail would be no more than 10 feet wide. Attorney Knutson indicated the property owner could change the grade unless it impacted drainage.

Mayor Hovland opened the public hearing at 7:33 p.m.

Public Testimony

No one appeared to comment.

Member Sprague made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2014-91, Vacating a Portion of West 41st Street. Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. CONDITIONAL USE PERMIT, ALLOW FIRST FLOOR ELEVATION OF MORE THAN ONE FOOT ABOVE EXISTING FLOOR, 4603 ANNAWAY DRIVE, NICOLE AND GREG JENNINGS – RESOLUTION NO. 2014-92 ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request of the applicants who were proposing to tear down the existing house and construct a new house at 4603 Anaway Drive. A Conditional Use Permit was requested to allow the first floor elevation of the new house to exceed the first floor elevation of the existing house by more than one foot. The applicant was proposing to raise the first floor elevation 4.4 above the existing first floor elevation for the purpose of the low floor elevation to be at least 2 feet above the 100-year flood elevation. The Planning Commission unanimously recommended approval of the Conditional Use Permit on August 13, 2014, subject to findings and conditions as contained in the staff report.

Mr. Teague answered questions of the Council pertaining to the basement ceiling height, the actual height of the house, and stated the site drainage had been reviewed and found it would improve existing conditions and not create negative impacts to neighboring properties.

Proponent Presentation

Kathryn Alexander, architect representing the proponent, clarified that the actual height of the house was 37 feet 3¼ inches to the peak of the roof. She offered to answer questions. David Bieker, Denali Custom Homes representing the proponent, added that an underground water drainage system had been designed.

Mayor Hovland opened the public hearing at 7:45 p.m.

Public Testimony

No one appeared to comment.

Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett introduced and moved adoption of Resolution No. 2014-92, Approving a Conditional Use Permit at 4603 Annaway Drive for Nicole and Greg Jennings, subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:

- **Survey date stamped June 23, 2014**
- **Building plans and elevations date stamped June 23, 2014**

2. Compliance with the conditions and comment listed in the Environmental Engineer's memo dated August 1, 2014.

Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.D. COMPREHENSIVE GUIDE PLAN AMENDMENT, PRELIMINARY REZONING FROM POD-I TO PUD, BEACON INTERFAITH HOUSING COLLABORATIVE, 3330 WEST 66TH STREET– RESOLUTION NO. 2014-93 AND RESOLUTION 2014-94 – ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request from Beacon Interfaith Housing Collaborative for a Comprehensive Plan Amendment to allow affordable housing in the Regional Medical District. The applicant also requested preliminary rezoning from Planned Office District-I to Planned Unit Development and approval of the Preliminary Development Plan. The proponent proposed to remodel and expand the existing TCF Bank building located at 3330 66th Street into 39 affordable housing units of small studio apartments for young adults who had experienced homelessness. There would be 19 surface parking stalls and proof-of-parking for 37 total surface stalls. Mr. Teague presented details of the proposal. The Planning Commission recommended denial of the Comprehensive Plan Amendment, but recommended instead approval of a Comprehensive Plan Amendment that would incorporate language into the Comprehensive Plan that would allow this type of project. The Planning Commission also suggested approval of preliminary rezoning from Planned Office District-I to Planned Unit Development. Staff offered four Comprehensive Plan wording options for Council consideration, and recommended Option 3, correcting the density wording to reflect 'senior housing and affordable housing' rather than 'specialty housing.'

Mr. Teague answered questions of the Council relating to the definition of 'specialty housing,' ability to write specific housing type as well as potential appropriate future uses within the PUD, adequacy of parking, and rezoning if the site was used for another purpose.

Proponent Presentation

Lee Blons, Executive Director of Beacon Interfaith Housing Collaborative, presented the request to develop 66 West as affordable housing (apartments) for homeless youth. Ms. Blons described Beacon as an experienced developer of quality housing, shared its vision, and belief in the power of 'home.' The project involved many local churches including Edina Community Lutheran Church as the lead congregation. Ms. Blons shared the requirements for each tenant, supportive services that would be provided to tenants, development costs, site attributes, and availability of funding. Ms. Blons asked the Council to support the change necessary to the Comprehensive Plan and PUD to allow affordable housing for young people at 66 West to become a reality.

Mayor Hovland opened the public hearing at 8:24 p.m.

Public Testimony

Mark Chamberlain, 7004 Bristol Boulevard, addressed the Council.

Edward Schuck, 395 Lake Street West, Wayzata, addressed the Council.

Ruth Lordan, 6453 Barrie Road, addressed the Council.

Senator Melisa Franzen, 6216 Maloney Avenue, addressed the Council.

Rose Minor, Step by Step Montessori School, 6519 Barrie Road, addressed the Council.

Dr. William Davis, 6616 Cornelia Drive, addressed the Council.

Mike Nelson, 5329 61st Street West, addressed the Council.

Bishop Ann Svenningsen, 301 Clifton Avenue, Minneapolis, addressed the Council.

Dr. Elizabeth Briden, 6525 Barrie Road, addressed the Council.

Thomas Stone, 3710 Nicollet Avenue South, Apartment 204, addressed the Council.

Tom Nelson, Kenwood Lowry Hill Neighborhood, Minneapolis, addressed the Council.

Mikkel Beckmen, 5332 Freemont Avenue South, Minneapolis, addressed the Council.

Robert Long, 7900 Xerxes Avenue South, Minneapolis, addressed the Council.

Jeanette Auguston, 5000 Arden Avenue, addressed the Council.

John Crane, 5610 Woodcrest Drive, addressed the Council.

Lisa Thompson, 5500 Benton Avenue, addressed the Council.

Rita Babcock, 12500 Briarwood Terrace, Minnetonka, addressed the Council.

Floyd Grabel, 4817 Wilford Way, addressed the Council.

Lauren Morse Wendt, 1449 Frankson Avenue, St. Paul, addressed the Council.

Betsy Cussler, 5825 Vernon Lane, addressed the Council.

Daniel Tysver, 2104 53rd Street West, Minneapolis, addressed the Council.

Andrea Knoll, 4601 Arden Avenue, addressed the Council.

Maura Schnorbach, 6221 Balder Lane, addressed the Council.

Dr. Ward Godsall, 5601 Johnson Drive, addressed the Council.

Dr. Helen Wood, 6525 Drew Avenue South, addressed the Council.

Robert Hobbins, 4708 Upper Terrace, addressed the Council.

Pastor Erik Strand, 4113 54th Street West, addressed the Council.

Mark Swiggum, 7234 Ticonderoga Trail, Eden Prairie, addressed the Council.

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David Vandongen, 5620 Kellogg Place, addressed the Council.

Eileen Supple, 7332 West Shore Drive, addressed the Council.

Father Tim Rudolphi, 6820 St. Patrick Lane, addressed the Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett introduced and moved adoption of Resolution No. 2014-93, Approving a Comprehensive Plan Amendment to Allow Additional Housing in the RMD, Regional Medical District and Resolution No. 2014-94, Preliminary Rezoning from POD-I, Planned Office District-I, to PUD, Planned Unit Development and Preliminary Development Plan for 3330 66th Street. Motion died for lack of a second.

The Council asked Police Chief Nelson questions relating to safety and security. He reported the Police Department received an average of 19 to 20 calls for service per year from Nicollet Square, a similar Beacon establishment.

The Council asked Attorney Knutson questions relating to the application. Mr. Knutson answered that the deadline for Final Rezoning was October 7, 2014. With regard to the comment on spot zoning, he explained it was irrational zoning with no basis or foundation, such as zoning to favor a proponent.

Ms. Blons responded to the Council's questions relating to the psychological needs of the residents. The Council also asked Ms. Blons if 66 West would staff a 24-hour desk like Nicollet Square. Ms. Blons answered that staff would be present at night and on weekends, but Beacon had hoped to not be required to provide 24-hour care. However, Beacon would provide that service if the Council desired.

Sara Larson, Beacon Project Manager, explained that TCF Bank had approached realtors that had previously expressed interest and called Beacon's broker. Ms. Blons reviewed the search process to find this site, the cost effectiveness of this site, findings of the parking study, and adequacy of parking.

The Council and Ms. Blons discussed the issue of security and staffing hours. It was noted the building would have a security system, requiring a secured key card to enter. The Council expressed a desire to have 66 West staffed 24 hours per day for the first year and agreed to add it as a condition of approval. Following additional discussion, Attorney Knutson explained that in order to rezone the property back to POD-I, the Council would complete the same process and the City would be the applicant. **Member Bennett introduced and moved adoption of Resolution No. 2014-93, Approving a Comprehensive Plan Amendment to Allow Additional Housing in the RMD, Regional Medical District, utilizing proposed language Option 3.** Member Swenson seconded the motion.

The Council recognized the need to provide workforce housing, importance of addressing the needs of homeless youth, some of the most vulnerable among us, and appropriateness of this site for Beacon's worthwhile project.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett introduced and moved adoption of Resolution No. 2014-94, Preliminary Rezoning from POD-I, Planned Office District-I, to PUD, Planned Unit Development and Preliminary Development Plan for 3330 66th Street, subject to the following conditions:

1. The Final Development Plan must be generally consistent with approved Preliminary Development Plans dated June 20, 2014.
2. Sustainable design. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the Planning Commission staff report.
3. All buildings must be built with sprinkler systems, subject to review and approval of the fire marshal.
4. Compliance with all of the conditions outlined in the director of engineering's memo dated July 15, 2014.
5. The Final Landscape Plan must meet all minimum landscaping requirements per Chapter 36 of the Zoning Ordinance.
6. The Final Lighting Plan must meet all minimum landscaping requirements per Chapter 36 of the Zoning Ordinance.
7. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.
8. Final Rezoning is subject to review and approval of the Metropolitan Council on the Comprehensive Plan Amendment.
9. For the first year of operation, the facility shall have 24-hour staffing, seven days a week. Staffing may be provided by adult volunteers.

Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

This item was considered prior to Item VI. Public Hearings.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2014-87 ADOPTED – ACCEPTING VARIOUS GRANTS AND DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Bennett introduced and moved adoption of Resolution No. 2014-87 accepting various grants and donations. Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. HUMAN RIGHTS & RELATIONS COMMISSION ADVISORY COMMUNICATION – Received

IX.C. MINUTES:

1. **EDINA TRANSPORTATION COMMISSION, JULY 17, 2014**
2. **ENERGY & ENVIRONMENT COMMISSION, JULY 10, 2014**
3. **PLANNING COMMISSION, JULY 23, 2014**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

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XII. MANAGER'S COMMENTS – Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:28 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, September 16, 2014.

James B. Hovland, Mayor

Video Copy of the September 2, 2014, meeting available.